



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: MAY 4, 2023

RE: RESOLUTION NUMBER 23-46: FORECLOSURE AUTHORIZATION
124 EAST WARD AVENUE CASE NUMBER 21-00185

Introduction

Resolution Number 23-46 of the City Commission approves a Code Enforcement Board action authorizing the City Attorney to foreclose on an unpaid code lien recorded against 124 East Ward Avenue.

Recommended Action

The administration recommends approval of Resolution Number 23-46.

Background

Code Board Action:

On April 10, 2023, the Eustis Code Enforcement Board authorized the City Attorney to begin foreclosure action on an unpaid code enforcement lien associated with Case 22-00185, totaling \$56,700, against 124 East Ward Avenue, owned by Barbara L. Metz and Richard Phillip Metz Estate.

Case History:

On August 27, 2021, the Code Enforcement Department issued a Notice of Violation for the following violations of City Code. It was mailed Certified and First Class to 124 East Ward Avenue, and it was delivered on August 30, 2021. A copy was also posted at the property.

- The building's exterior surfaces do not comply with the City's Exterior Façade requirements.
- Exterior wood surfaces have not been maintained in good condition, or protected from the elements and decay by adequate painting or other protective covering or treatment.
- Blue tarps on the rear roof indicating that it has defects that admit rain into the interior portion of the structure.

On September 13, 2021, the Code Enforcement Board issued an Order of Enforcement requiring compliance by October 13, 2021, or a daily fine of \$100 would be imposed. No Representative for the property owner attended the Hearing.

On September 15, 2021, a copy of the Order was mailed to the property owner at 124 East Ward Avenue, Eustis FL. The City received no response from the property owner.

On October 18, 2021, a Notice of Non-Compliance and Notice of Hearing for Certification of Non-Compliance and Assessment of Fine was mailed to the property owner. The City received no response from the property owner.

On November 8, 2021, Joseph Rittenhouse, Code Enforcement Officer, informed the Code Enforcement Board of the non-compliance, and the Board voted to certify the previously imposed fine of \$100 per day. No Representative for the property owner attended the Hearing.

On November 10, 2021, the Order Imposing Fine was mailed to the property owner, which was recorded in public record as a lien against the property on February 7, 2022. It was returned by the Post Office labeled return to sender, not deliverable as addressed, unable to forward.

To date, the property remains in violation of City Code. The property is currently vacant, the grass and landscaping are not being maintained and the water meter was removed by the City on February 8, 2023. All efforts to locate the property owner have failed, and all phone calls to the only known contact have not been returned.

Community Input

No adjacent property owners attended the Code Enforcement Hearings and there were no public comments.

Budget / Staff Impact:

If the Commission approves the Resolution, the City could obtain real property with a present Market Value of \$85,437. There are outstanding 2021 and 2022 property taxes due totaling \$3,558.41, in addition to attorney fees associated with the foreclosure. The attorney fees should not exceed \$5,000. The total cost to the City is approximately \$8,558.41.

Reviewed By:

Kenneth Toler, Captain

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution Number 23-46